

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARNI M. GUY,

Plaintiff,

v.

CASAL INSTITUTE OF NEVDA LLC
et al,

Defendants.

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Case No. 2:13-cv-02263-APG-GWF

**NOTICE CONCERNING POTENTIAL
JUDICIAL DISQUALIFICATION**

Canon 3D of the Code of Conduct provides (with exceptions not pertinent to this case) that when a judge is disqualified in a proceeding because “the judge’s impartiality might reasonably be questioned,” the judge may participate in the proceeding only if all the parties and lawyers, after notice of the basis for the disqualification, have an opportunity to confer outside of the presence of the judge and all agree in writing or on the record to waive the disqualification under a procedure independent of the judge’s participation.

Unless a waiver is obtained from all parties and all counsel, Judge Andrew P. Gordon intends to disqualify himself in this proceeding because of these circumstances:

Judge Gordon's sister-in-law (Katherine J. Gordon) is a non-equity partner in the law firm of Lewis Brisbois Bisgaard & Smith LLP. Judge Gordon will not be assigned to any case on which she is working. Moreover, to avoid any appearance of impropriety, Judge Gordon will disqualify himself from hearing any case in which the Lewis Brisbois law firm is involved unless all parties to the case waive his disqualification.

If you and your client(s) wish to waive the judge's disqualification, a letter to that effect from you and from your client(s) must be hand delivered to the Clerk's office, **Attention: Amber Freeman**, Operations Manager, **within 14 days** of the date of entry of this Notice. A sample letter is attached to this Notice. The letter should be signed and submitted by the attorney of record only after consultation with all of his or her clients in this case. The letter(s) should not be sent to the judge and copies should not be sent to other counsel. **DO NOT E-FILE YOUR LETTER(S) AND DO NOT SUBMIT THEM TO THE JUDGE. SUBMIT THEM DIRECTLY TO THE CLERK OF COURT.** If all parties submit such letters, this Notice and all responses will be made part of the record, as required by Canon 3D, and the judge will continue participation in the proceeding. If a waiver is not received on behalf of all parties and their respective counsel, this Notice and any responses will be kept under seal by the Clerk and not shown to the judge, nor will the Judge be informed of the identity of any party or lawyer who declined to waive the disqualification. If the disqualification is not waived, the case will be randomly reassigned to another judge.

LANCE S. WILSON, CLERK

/s/ Melissa Johansen
Deputy Clerk

**NOTICE TO ATTORNEYS: DO NOT E-FILE THIS FORM. HAND DELIVER IT
DIRECTLY TO AMBER FREEMAN IN THE CLERK OF COURT'S OFFICE**

From: XXXX XXXX
[Address]

To: Amber Freeman, Operations Manager
Clerk of Court
United States District Court
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Date: _____

Re: ABC v. DEF, Case No. _____

Dear Ms. Freeman:

I have consulted with my client(s), _____, who are all of the clients that I represent in this case, concerning the Notice that Judge Gordon intends to disqualify himself from this case because his impartiality might reasonably be questioned. My client(s) and I hereby waive this disqualification. We are willing to proceed forward with Judge Gordon presiding.

Pursuant to Canon 3D of the Code of Conduct, I am submitting this letter to the Clerk's office, but I am not copying Judge Gordon, nor am I copying the other counsel of record or the other parties. I am **not** filing this letter in the court's CM/ECF system.

Cordially,

/s/ _____
XXXX XXXX
Attorney of Record for:

[Client 1] _____
[Client 2] _____ etc.